IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 36181 of 2007(G)

PETITIONER:

ARAVINDAN, S/O. KUMARAN,
PUZHAVELIL HOUSE, ENADI P.O., VAIKOM.

BY ADV. SRI.A.JAYASANKAR
SRI.MANU GOVIND

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, KOTTAYAM.

2. THE TAHSILDAR, VAIKOM.

3. THE GEOLOGIST,
MINING & GEOLOGY DEPARTMENT, CIVIL STATION,
KOTTAYAM.

4. SRI.VINIL, S/O. CHANDRASEKHARAN,
PUTHAN PURAYIL HOUSE, ENADI P.O., VAIKOM.

R4 BY ADV. SRI.G.SREEKUMAR (CHELUR)
R1 TO 3 BY GOVERNMENT PLEADER SRI M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS -

P1 - COPY OF PERMIT DT. 7.11.07 ISSUED BY R3.

P2 - COPY OF COMPLAINT DT. 10.10.07 BEFORE R3.

P3 - COPY OF COMPLAINT DT. 11.10.07 BEFORE RDO & R1

P4 - COPY OF COMPLAINT DT. 12.11.07 BRGOTR R1.

ANTONY DOMINIC, J.

W.P.(C) 36181 of 2007

Dated: December 17, 2007

JUDGMENT

Petitioner submits that the 4th respondent is mining ordinary sand on the strength of Ext.P1 and in that process he is continuing the mining activity violating the terms thereof. It is submitted that as a consequence thereof, the well in the petitioner's compound is dried up and there is shortage of drinking water in the area. It is in that background that this writ petition has been filed.

2. While the 4th respondent has denied all these allegations in the counter affidavit filed, petitioner seeks to reinforce his contentions by appointing an advocate commission for which he has filed IA No.16798/2007.

3. Having considered the submissions made by the petitioner as also the 4th respondent, I do not think it necessary that this court should interfere and adjudicate on

the disputed questions that are involved in this writ petition. If it is the case of the petitioner that the 4th respondent is continuing the mining activity violating the terms of Ext.P1 permit, it certainly is a matter which requires to be enquired into by the 3rd respondent, the geologist. If there is violation of the conditions, necessarily the 3rd respondent is obliged to take action for such violation also.

4. Ext.P2 complaint has been made by the petitioner to the 3rd respondent. In the nature of the allegations that are raised and the assertions that are made before this court, I feel it necessary that the 3rd respondent should enquire into Ext.P3 complaint that has been filed by the petitioner. The enquiry shall be held without delay and that too with notice to the petitioner and also to the 4th respondent.

5. Needless to say that if violation of the terms of Ext.P1 is found, the 3rd respondent shall take appropriate action in order to ensure that the environmental balance is

maintained. The enquiry shall be completed as expeditiously as possible on the production of a copy of this judgment and concluded before any renewal of Ext.P1 is considered.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

mt/-